

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1320	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR		Application Number 09/628,831	Filed 07/31/2000
on 11/27/2007		First Named Inventor Michael K. Hargens	
Signature /Jamie Cameron/		Art Unit 2143	Examiner Alina A. Boutah
Typed or printed name Jamie Cameron			
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/>	applicant/inventor.	/Kyle J. Way/ Signature	
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Kyle J. Way Typed or printed name	
<input checked="" type="checkbox"/>	attorney or agent of record. Registration number 45,549	(720) 562-2280 Telephone number	
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34	11/27/2007 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".			
<input checked="" type="checkbox"/>	*Total of 1 forms are submitted.		

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael K. Hargens et al.

Confirmation No.: 5162

Application No.: 09/628,831

Group No.: 2143

Filed: 07/31/2000

Examiner: Alina N. Boutah

For: DYNAMICALLY PROVIDING COMMUNICATION ACCOUNTS USING A
COMMUNICATION ACCOUNT SYSTEM

Mail Stop: AF

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Introductory Comments

In response to the advisory action dated October 31, 2007 (hereinafter “the advisory action”), the Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. A Notice of Appeal under 37 C.F.R. § 41.31(a)(1) is being filed herewith.

Claims 100-119 remain pending and stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0046255 to Moore et al. (hereinafter “Moore”) in view of U.S. Patent No. 5,991,381 to Bouanaka et al. (hereinafter “Bouanaka”). (Page 2 of the final Office action dated August 13, 2007, hereinafter “the final Office action.”) The Applicant respectfully disagrees, and believes such allegations represent clear error in establishing a *prima facie* rejection under 35 U.S.C. § 103. The Applicant thus respectfully requests review of the rejection for at least the following reasons.

Remarks

Independent method claim 100 provides, in part, “*in a first one of the web-sites, interacting with a first one of the end-users over the Internet, and in response, transferring a first communication account request over the Internet to an account server....*” (Emphasis supplied.) Further, claim 100 provides “*in the account server, validating the first web site in response to receiving the first communication account request ... and transferring the first account code over the Internet to the first web site.*” Independent system claim 110 incorporates similar provisions.

The final Office action alleges that Moore teaches all limitations of claim 100, except for validating the web site in response to receiving the first communication account request in the account server. (Page 3 of the final Office action.) The final Office action further alleges that “Bouanaka teaches a server that validates a request in response to receiving a communication account request (figure 2: 40). At the time the invention was made, one of ordinary skill in the art would have been motivated to validate a website in response to receiving a request in order to process user’s request automatically, thus allowing users to access the resource.” (Id.) The Applicant respectfully disagrees with these allegations, as the combination of Moore and Bouanaka neither teaches nor suggests many of these limitations.

Account Server, and Communication Therewith

Both the final Office action and the advisory action allege that Moore and Bounaka each teach an account server, and communications between a website and an account server over the Internet. (See, for example, pages 2, 5, and 6 of the final Office action, and the first paragraph of the continuation sheet of the advisory action.) The Applicant respectfully disagrees. As discussed in depth in the most recent response filed October 10, 2007 (hereinafter “the most recent response”), neither Moore nor Bounaka teaches or suggests a separate account server, or communications between a website and such an account server over the Internet, as set forth in claims 100 and 110. (Please see the detailed discussion under the heading “Account Server, and Communication Therewith” on pages 6-8 of the most recent response of October 10, 2007.)

Website Validation

As indicated in the final Office action, Moore does not teach or suggest “in the account server, *validating the first web site* in response to receiving the first communication request.”

(Page 3 of the final Office action.) However, the final Office action alleges that “Bouanaka teaches a server that *validates a request* in response to receiving a communication account request (figure 2: 40).” (Page 3 of the final Office action; emphasis supplied.)

The Applicant respectfully notes two separate problems with this allegation. For one, whether Bouanaka validates a *request* is unimportant, as claims 100 and 110 provide for validation of *the website* transferring the communication account request over the Internet to the account server, *not* the request itself. Secondly, Bounaka does not teach or suggest such validation of a website.

In its Response to Arguments, the final Office action indicates that “it is not the website, but the user request message (through the web server) that is validated as evidence[d] by the specification [at] page 7[,] lines 14-20. In fact, nowhere in the specification discusses any validation of a website.” (Page 6 of the final Office action.) The Applicant respectfully disagrees. The portion of the present application cited in the final Office action states that “the communication account system 300 receives the communication account request message and processes the message to *validate the web server 301* at step 404. The validation process includes performing a lookup operation that *compares an address identification associated with the web server 301 with a list of valid web server address identifications.*” (Page 7, lines 17-21; emphasis supplied.) Thus, both the cited portion of the specification and the claims in question indeed disclose validation of a web site (i.e., a web server) and, conversely, do *not* indicate that the request message is being validated. In addition, while the final Office action refers to the request message as a “user request message,” claims 100 and 110 only refer to a “communication account request,” and do not require that a user initiate the request.

In response, the advisory action instead maintains that the passage of the present application cited above indicates that a *web server*, as opposed to a *website*, is being validated. (Second paragraph of the continuation sheet of the advisory action.) In response, the Applicant notes that the terms “website” and “web server” are employed interchangeably in the present application. (See, for example, “a customer connects to a service provider’s *website*...” at page 2, line 28, and “a user e.g. 104 connects to the *web server 301*” at page 7, lines 13 and 14, of the present application; emphasis supplied.) Thus, the Applicant respectfully asserts once again that the present application discusses validation of a website.

Further, as mentioned above, the Applicant respectfully contends that Bouanaka does not

teach or suggest the validation of either a website or web server. Generally, Bouanaka discloses “[a] calling card validation method and system for automatically issuing calling cards and placing charges on customer’s telephone bill.” (Abstract.) To this end, a calling card computer terminal 18 of a computer system 10 receives a user’s request for a calling card, processes the request, and issues a calling card request message (CCRM) to a database server 26 of a telephone system 20. (Fig. 1; operations 30-38 of Fig. 2, and column 3, lines 35-65.) In response, the database server 26 accesses a database containing customer account and billing information so that the charges for the calling card may be added to the customer’s telephone account. (Fig. 1; operations 40-48 of Fig. 2; and column 3, line 66, to column 4, line 6.) Thus, in Bouanaka *the existence of the customer’s telephone account* is being validated, not a website, and not the request for a calling card. (See, for example, operation 40 of Fig. 2, which discloses the operation of “search[ing] telephone database for *telephone account validation*.” (Emphasis supplied.) In fact, Bouanaka does not appear to mention websites at all (as discussed above), much less their validation. Thus, Bouanaka does not teach or suggest validation of a website, as provided for in claims 100 and 110, and such indication is respectfully requested.

Motivation to Combine Moore and Bouanaka

The final Office action also indicates that “[a]t the time the invention was made, one of ordinary skill in the art would have been motivated to *validate a website in response to receiving a request in order to process [the] user’s request automatically, thus allowing users to access the resource*.” (Page 3 of the final Office action.) The Applicant respectfully disagrees for two reasons. The websites of Moore does not appear to require any kind of validation since all of the websites disclosed therein are hosted on a single website system hardware 120. Further, Moore appears to already process user requests for communication service at least as automatically as Bouanaka. Thus, the Applicant asserts that no motivation exists to combine Moore with Bouanaka, and such indication is respectfully requested.

Given the foregoing, the Applicant asserts that claims 100 and 110 are allowable in view of the combination of Moore and Bouanaka for at least the reasons provided above, and such indication is respectfully requested.

Claims 101-109 depend from independent claim 100, and claims 111-119 depend from

independent claim 110, thus incorporating the provisions of their corresponding independent claims. Thus, the Applicant contends that claims 101-109 and 111-119 are allowable for at least the same reasons provided above regarding claims 100 and 110, and such indication is respectfully requested.

Conclusion

Based on the above remarks, the Applicant respectfully requests reversal of the 35 U.S.C. § 103 rejection of claims 100-119.

The Applicant hereby authorizes the Office to charge Deposit Account No. 21-0765 the appropriate fee under 37 C.F.R. § 41.20(b)(1) for the Notice of Appeal filed herewith, as well as the fee under 37 C.F.R. § 1.17(a)(1) for a one-month extension of time. The Applicant believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

Date: 11/27/2007

/Kyle J. Way/

SIGNATURE OF PRACTITIONER

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